

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING NO. 2008-15

Held on Thursday, the 15th day of May 2008, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor Jonathan Culley, Covenant Presbyterian Church, Palm Bay, gave the invocation, which was followed by the Pledge of Allegiance to the Flag.

MAYOR:	John J. Mazziotti	Present
DEPUTY MAYOR:	Ed Geier	Present
COUNCILMEMBER:	Patrick Woodard	Present
COUNCILMEMBER:	Milo Zonka	Present
COUNCILMEMBER:	Kristine Isnardi	Present
CITY MANAGER:	Lee Feldman	Present
CITY ATTORNEY:	Nicholas Tsamoutales	Present
CITY CLERK:	Alice Passmore	Present

CITY STAFF: Present were Sue Hann and Jon Lewis, Deputy City Managers; William Berger, Police Chief.

ANNOUNCEMENTS:

Mayor Mazziotti announced the following vacancies, positions, and terms expiring and solicited applications for same:

- 1. Two (2) vacancies on the Board of Adjustments and Appeals (represents 'architect', and 'fire safety' positions).**
- 2. Two (2) vacancies on the Building and Construction Advisory Committee (represents 'general contractor' and 'residential contractor' position).**
- 3. Four (4) positions on the Community Development Advisory Board (represents 'employers within City; areas of labor in home building; essential services personnel; advocate for low-income persons').**
- 4. Restoration Advisory Board - Department of the Air Force - community participation in environmental cleanup activities.**

RECOGNITIONS AND PROCLAMATIONS:

☞ Volunteer of the Year 2007 – Clarence Frederick, Jr. – Deputy Mayor Geier recognized Mr. Frederick for his service to the City and being selected as Volunteer of the Year 2007.

1. Volunteer Program (one (1) year service as City boardmember/representative):
a) Utilities Advisory Board – Coleman Goatley. Mayor Mazziotti recognized and presented Mr. Goatley with a volunteer pin for his service on the board.

2. Palm Bay Police Department – recognizing citizen who assisted in protecting the community. Mrs. Isnardi presented Gerald Hill with a plaque recognizing him for entering a home that was on fire to rescue the individual inside.

Mayor Mazziotti read the following proclamations:

3. National Safe Boating Week – May 17-24, 2008. Representatives from the U.S. Coast Guard Auxiliary South Brevard Flotilla 42 accepted the proclamation.

4. Caribbean Jamboree – May 24-25, 2008. Wayne Savage, Brevard Caribbean American Sports and Cultural Association, accepted the proclamation.

Councilmembers concurred to consider Council Business at this time in order to thank everyone involved in protecting the City during the state of emergency declared due to the wild/brush fires that occurred throughout the City.

☞ COUNCIL BUSINESS:

MR. ZONKA:

1. Commended firefighters, City staff, and other agencies for everything that was done during the state of local emergency due to the wild/brush fires throughout the City.

MRS. ISNARDI:

1. Commended and recognized police, fire, public works, agencies, organizations, etc. for assistance during the emergency.

MR. WOODARD:

1. Announced Town Hall meeting for Saturday, May 17th, had been cancelled.
2. Recognized and thanked all the City employees, departments, individuals, citizens, and other agencies and organizations who assisted during the emergency.

DEPUTY MAYOR GEIER:

1. Thanked everyone for their assistance during the emergency and elaborated on various aspects of same.

MAYOR MAZZIOTTI:

1. Concurred with the comments made by other councilmembers and thanked everyone and elaborated on various aspects of same.

Dr. Tom McIntyre, Area 1 Superintendent, School Board, thanked the Fire and Police Chiefs for assistance in evacuating the schools. The City Manager, on behalf of the City employees, thanked the citizens for their support. He thanked all those who came to the City's aid. Mr. Feldman provided statistics in regards to the acreage involved, structures within the fire perimeter, evacuations, and costs. A representative from the Red Cross stated a shelter had been established at the Our Lady of Grace church on Malabar Road to assist those directly affected by the fires and elaborated on various situations. Tom Gaume, Chairman, Greater Palm Bay Chamber of Commerce, expressed his thanks to the community. Residents whose properties were affected by the fires addressed Council and expressed their thanks to the City.

PRESENTATION:

1. Palm Bay Education Advisory Board - recognizing Scholarship Program recipient. Lynn Fallon, Chairperson, recognized and presented Rachelle Jean-Louis with a \$500 scholarship to the college of her choice.

AGENDA REVISIONS:

Mr. Feldman requested that Item No. 13, under New Business, be removed from the agenda and a workshop meeting scheduled for Thursday, May 22, 2008, at 6:30 P.M., to consider the item.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to schedule a workshop meeting for Thursday, May 22, 2008, at 6:30 P.M. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

CONSENT AGENDA:

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, that the Consent Agenda be approved as presented. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

ADOPTION OF MINUTES:

*** 1. Regular Council Meeting No. 2008-14; May 1, 2008.**

The minutes, considered under Consent Agenda, were approved as presented.

PUBLIC HEARINGS:

♣ **1. Ordinance No. 2008-35, rezoning property located at the southeast corner of Malabar Road and Jupiter Boulevard from NC (Neighborhood Commercial District) to CC (Community Commercial District)(3.43 acres)(Case No. Z-11-2008, Stillwater Technologies, Inc.), for final reading.**

There were no ex parte communications to be disclosed by Council.

The City Attorney read the ordinance in caption only. The public hearing was opened. Rick Blecha, Civil Engineer, representing the applicants, was present to answer questions. The public hearing was closed.

Motion by Mr. Woodard, seconded by Mr. Zonka, to adopt Ordinance No. 2008-35. Motion carried with members voting as follows:

Mayor Mazziotti	Yea
Deputy Mayor Geier	Nay
Councilman Woodard	Yea
Councilman Zonka	Yea
Councilwoman Isnardi	Yea

2. Ordinance No. 2008-37, establishing regulations for non-storm water discharges and methods for controlling the introduction of pollutants into the City's separate storm sewer system, for final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to adopt Ordinance No. 2008-37. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

3. Ordinance No. 2008-38, providing for the impoundment of vehicles involved in specified offenses, for final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Kevin Aplin, Vice President, ACLU of FL Brevard Chapter, expressed opposition to the ordinance and felt the punishment of impounding a vehicle was disproportionate for someone who at the time had only been accused of the specified offense. Some residents agreed with Mr. Aplin and asked that the ordinance not be enacted. The public hearing was closed.

Motion by Mr. Zonka, seconded by Mayor Mazziotti, to adopt Ordinance No. 2008-38. Mrs. Isnardi stated she did not want to put the City in a position to defend itself in taking a person's property. Mayor Mazziotti favored the ordinance but was open to changes regarding the loud noise issue. Mr. Zonka stated there were many residents that had issues with all terrain vehicles and loud stereos in vehicles. He said the ordinance was prepared in response to the citizens' concerns. Mr. Woodard expressed concern over a police officer's use of discretion to determine probable cause being construed as selective enforcement. He felt a tool was needed to decrease some of the issues. He felt the ATVs and loud noise were enforcement matters.

Councilmembers concurred that the main concern with the ordinance dealt with the loud noise and impoundment of vehicles and all terrain vehicles.

Deputy Mayor Geier felt the ordinance was needed to inform the public that the state statutes would be enforced. He was not in favor of impounding a vehicle for the loud noise issue as he felt warnings should be issued first. He addressed individuals who were sixteen to twenty-one years of age who were driving their parents' vehicles or their own. Mrs. Isnardi mentioned that many mufflers from motorcycles were loud and asked where the line should be drawn. She felt currently the loud noise code was not being enforced. Mrs. Isnardi stated the cost for impounding a vehicle included the administrative fee, towing fee, and impoundment fee. Mr. Woodard mentioned that a citation would also be issued. He felt the ordinance should have a definition for a habitual offender.

Mrs. Isnardi suggested that there be a fine that doubled for a second offense and tripled for the third offense. Mr. Feldman stated the administrative fee was the City's cost for impounding a vehicle and the hearing. He said the issue of a fine versus an administrative fee would have to be addressed by the City Attorney. The City Attorney stated that a fee had to be justified by actual cost. Deputy Mayor Geier questioned if a citation or warning with a specific cost could be issued for the first offense and afterwards impoundment and a fine.

Chief Berger stated that in order to track the offenses, a module would have to be written to capture the information, which he estimated would cost \$20,000. He said the purpose for the ordinance was to address the ATV's and act as a deterrent. Deputy Mayor Geier suggested removing the provision pertaining to loud noise and address it in another way later.

Motion by Mr. Zonka, seconded by Mayor Mazziotti, to amend the ordinance to remove the reference to Section 316.3045(1), Florida Statutes (*Section 2, Subsection A, Paragraph 5*). Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

Mr. Zonka stated he would like to revisit the noise issue in the future.

Motion, as amended, carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

A brief recess was taken, after which time the meeting resumed.

4. Ordinance No. 2008-39, amending the Code of Ordinances, Chapter 52, Boards, by expanding the composition, duties, and responsibilities of the Community Development Advisory Board, for final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to adopt Ordinance No. 2008-39. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

5. Ordinance No. 2008-40, providing for naming a private drive located within the Malabar Cove development as 'Daffodil Drive', for final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Geier, seconded by Mrs. Isnardi, to adopt Ordinance No. 2008-40. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

6. Ordinance No. 2008-41, vacating a portion of the rear public utility and drainage easement located within Lot 7, Block 171, Port Malabar Unit 7 (Case No. VE-1-2008, Stephen and Wendy Canuel), for first reading.

The City staff recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Geier, seconded by Mr. Woodard, to adopt Ordinance No. 2008-41. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

7. Ordinance No. 2008-42, amending the Code of Ordinances, Chapter 185, Zoning Code, by clarifying requirements and definitions of arcades (Case No. T-16-2008, City of Palm Bay), for first reading.

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Geier, seconded by Mrs. Isnardi, to adopt Ordinance No. 2008-42. Mr. Zonka questioned including arcades in the Neighborhood Commercial District as a conditional use.

Motion by Mr. Zonka, seconded by Deputy Mayor Geier, to amend the ordinance to remove Section 2. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

Mr. Woodard asked, in reference to legislation considered at the state level regarding arcades, if the ordinance was in compliance with the state statutes, and if revising the ordinance would affect any pending litigation.

Mr. Tsamoutales stated the attorney for JAX Phonograph had indicated they would probably not pursue the matter further if the ordinance was amended. It was indicated that some attorney's fees may be sought, but he would report back to Council on same.

Mr. Tsamoutales stated the pending legislation on arcades had not passed. There were provisions within the state statutes that regulated arcades. He stated that revising the ordinance did not indicate an admission of liability of any wrong doing by the City.

Motion, as amended, carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

8. Consideration of entering into a Joint Planning Agreement with the City of Fellsmere for the purpose of planning efforts for annexed properties.

Mr. Feldman explained that as a result of a joint meeting with the City of Fellsmere, a Memorandum of Understanding had been executed which pledged to develop a joint planning agreement (JPA) between the two cities. He reviewed the highlights of the JPA and stated the City of Fellsmere had adopted the agreement.

The public hearing was opened and closed as there were no comments.

Motion by Mr. Woodard, seconded by Deputy Mayor Geier, to approve the JPA with Fellsmere. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

PROCUREMENTS:

Award of Bid:

*** 1. "Other Agency" contracts utilized for the purchase of operating materials and supplies - City Departments (approximately \$70,000 annually).**

Staff Recommendation: Approve utilization of other contracts, which exceed or have the potential to exceed the City's formal bid/proposal threshold amount of \$25,000 per year, for standard day-to-day operating supplies utilized by City departments, in an estimated amount of \$70,000.00 annually.

The item, considered under Consent Agenda, was approved as recommended by City staff.

Award of Proposals:

*** 1. Motor control centers, water and wastewater – RFP No. 03-0-2008 – Utilities Department (Graybar Electric - \$245,000).**

Staff Recommendation: Award the purchase of three motor control centers, with the option to purchase variable frequency drives, for the water treatment plant and wastewater treatment influent structure, to Graybar Electric, Melbourne, in the amount of \$245,000.00.

The item, considered under Consent Agenda, was approved as recommended by City staff.

*** 2. Boat ramps lighting – RFP No. 28-0-2008 – Parks and Recreation Department (Hunter Knepshield - \$55,775).**

Staff Recommendation: Approve the purchase and installation of solar powered LED lighting for the public boat ramps at Pollak and Goode Parks from Hunter Knepshield, LaGrange, Kentucky, in the amount of \$55,775.00.

The item, considered under Consent Agenda, was approved as recommended by City staff.

*** 3. Skate park concrete pad – RFP No. 34-0-2008 (McMaster Construction Corporation - \$37,128).**

Staff Recommendation: Award the proposal for the skate park concrete pad to McMaster Construction Corporation, Melbourne, in the amount of \$37,128.00.

The item, considered under Consent Agenda, was approved as recommended by City staff.

*** 4. Additional and replacement vehicles (Florida Sheriff's Association contracts) – Utilities Department (Duval Ford; Freightliner of Tampa; Ring Power - \$211,737).**

Staff Recommendation: Approve the purchase of one replacement and three additional light duty vehicles and machinery/equipment for the Utilities Department, utilizing the Florida Sheriffs' Association contracts, from: Duval Ford - \$22,316.00; Freightliner of Tampa - \$89,442.00; and Ring Power - \$99,979.37.

The item, considered under Consent Agenda, was approved as recommended by City staff.

Contract:

*** 1. Continuing testing services, renewal – Public Works and Utilities Departments (Universal Engineering Sciences - \$130,000).**

Staff Recommendation: Approve the annual renewal of the existing Continuing Testing Services Agreement with Universal Engineering Sciences, Rockledge, in an estimated amount of \$130,000.00.

The item, considered under Consent Agenda, was approved as recommended by City staff.

UNFINISHED AND OLD BUSINESS:

1. One (1) appointment to the Board of Adjustments and Appeals.

Motion by Mr. Woodard, seconded by Deputy Mayor Geier, to appoint Sandra Karwel to the board. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

2. One (1) appointment to the Economic Development Task Force.

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. No. 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Mr. Woodard, seconded by Deputy Mayor Geier, to appoint Donald Carothers to the Task Force. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

3. One (1) appointment to the Utilities Advisory Board.

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. No. 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Mr. Woodard, seconded by Deputy Mayor Geier, to appoint Richard "Scott" Dexter to the board. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

PUBLIC COMMENTS: (Non-agenda Items Only)

There were no public comments.

COUNCIL BUSINESS:

NEW BUSINESS:

♣1. Resolution No. 2008-47, granting a conditional use for retail automotive gas/fuel sales in CC (Community Commercial District) zoning on property located at the southeast corner of Malabar Road and Jupiter Boulevard (3.43 acres)(Stillwater Technologies, Inc., Case No. CU-12-2008).

There were no ex parte communications to be disclosed by Council.

The City Attorney read the resolution in caption only.

Motion by Mr. Zonka, seconded by Mr. Woodard, to adopt Resolution No. 2008-47. Motion carried with members voting as follows:

Mayor Mazziotti	Yea
Deputy Mayor Geier	Nay
Councilman Woodard	Yea
Councilman Zonka	Yea
Councilwoman Isnardi	Yea

*** 2. Resolution No. 2008-48, granting an extension to a conditional use granted for a planned commercial development to be known as Stow-A-Way Storage Center of Brevard in CC (Community Commercial District) zoning on property located west of and adjacent to Culver Drive, in the vicinity between Emerson Drive and Palm Bay Road (3.82 acres)(Brevard Stow-A-Way One LLC, Case No. CU-63-2006).**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

*** 3. Resolution No. 2008-49, authorizing the Palm Bay Municipal Charter School Authority to take certain actions in furtherance of the governance of the City's current and future charter schools.**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

*** 4. Resolution No. 2008-50, supporting the Florida Senate resolution accepting the decision by the United States Air Force to award the construction of the KC-45 tanker to Northrop Grumman Corporation.**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

*** 5. Consideration of entering into a license agreement with BRP US, Inc. for the use of boat slips at the Pelican Harbor Marina for the purpose of testing watercraft.**

Staff Recommendation: Authorize a license agreement with BRP US, Inc. for the period of June 1, 2008, through May 31, 2011, for use of two boat slips at the Pelican Harbor Marina for the purpose of testing watercraft.

The item, considered under Consent Agenda, was approved as recommended by City staff.

*** 6. Consideration of entering into an agreement with the Brevard County Board of County Commissioners for bus service for the 2008 Beach Bus Summer Program.**

Staff Recommendation: Authorize the Mayor to execute the 2008 Beach Plus Bus Agreement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

*** 7. Consideration of entering into an agreement with AA Media Partners, Inc. for advertising services relating to the Police Department.**

Staff Recommendation: Authorize an advertising services agreement with AA Media Partners, Inc.

The item, considered under Consent Agenda, was approved as recommended by City staff.

*** 8. Consideration of the Fiscal Year 2008-2009 Community Development Block Grant/HOME Investment Partnership Program Action Plan.**

Staff Recommendation: Adopt the Fiscal Year 2008-2009 CDBG/HOME Action Plan and authorize the City Manager to execute all documents pertaining to same.

The item, considered under Consent Agenda, was approved as recommended by City staff.

*** 9. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$9,500).**

Staff Recommendation: Approve the expenditure in the amount of \$9,500 from the Fund for specified items.

The item, considered under Consent Agenda, was approved as recommended by City staff.

***10. Consideration of the relocation of a mobile home (1913 Live Oak Street) to the BMX park site.**

Staff Recommendation: Authorize the relocation of the mobile home to the BMX park site.

The item, considered under Consent Agenda, was approved as recommended by City staff.

***11. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended March 31, 2008.**

Staff Recommendation: Acknowledge receipt of the Investment Performance Review Report for the quarter ended March 31, 2008.

The item, considered under Consent Agenda, was acknowledged as recommended by City staff.

12. Consideration of revisions to the Council's Policies and Procedures.

Staff Recommendation: Revise the following sections in the Council's Policies and Procedures: Chapter 5, Section 5.1, Regular Meetings (curfew); Chapter 7, Section 7.3.1, Item No. 6, Presentations; Section 7.3.1, Item No. 9, Board and Committee Reports; Section 7.3.1, Item No. 14, Council Business; Section 7.9.14, Motion to Reconsider.

Motion by Mr. Woodard, seconded by Mr. Zonka, to approve the revisions with the deletion of a curfew for meetings. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

13. Consideration of pursuing a charter high school to serve 9th and 10th grade students.

The item had been removed from the agenda under Agenda Revisions and a workshop meeting scheduled for May 22, 2008, at 6:30 P.M., to consider same.

14. Consideration of appointing an Acting City Attorney and discussion of City Attorney selection process.

Motion by Mayor Mazziotti, seconded by Mr. Zonka, to appoint Deputy City Attorney Jim Stokes as the Acting City Attorney, effective June 1, 2008. Mayor Mazziotti felt a contract should be prepared by Mr. Stokes for the position of City Attorney and scheduled for the second meeting in July for consideration by Council. Deputy Mayor Geier and Mr. Zonka wanted a review period to evaluate Mr. Stokes while in the acting position. They wanted the matter to be discussed during the budget workshops and a contract in place for October. Motion carried with members voting as follows:

Mayor Mazziotti	Yea
Deputy Mayor Geier	Yea
Councilman Woodard	Nay
Councilman Zonka	Yea
Councilwoman Isnardi	Yea

Motion by Mayor Mazziotti to have Mr. Stokes prepare a contract for consideration at the second meeting in July for Council action. Motion died for lack of a second.

Mr. Zonka stated there were two options that could be considered at this time. One was to initiate the search process for the City Attorney's position with Mr. Stokes applying if he was interested and the other was to evaluate Mr. Stokes' performance until October. Mr. Zonka also stated the Council should have a contract written by a neutral attorney, not by Mr. Stokes. Mr. Woodard said the contract should be prepared when Council made the decision of who to hire. He said it was not a fair assumption to be made at this time that Mr. Stokes would be hired.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no administrative or legal reports.

PUBLIC COMMENTS/RESPONSES:

There were no public comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:17 P.M.

John J. Mazziotti, MAYOR

ATTEST:

Alice Passmore, CITY CLERK

* Identifies items considered under the heading of Consent Agenda.

♣ Indicates quasi-judicial proceeding.

☞ Indicates item was considered out of sequence or added to the agenda.